

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION**  
February 6, 2007

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Brotzman called the meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Aveni (alt. for Aufuldish), Brotzman, Franz (alt. for Schaedlich), Klco (alt. for Troy), Morse, Siegel, Zondag, and Ms. Hausch. Staff present: Messrs. Webster, Radachy, and Ms. Myers.

**MINUTES**

The January, 2007 meeting was postponed until February 6 due to weather concerns. Ms. Hausch moved to approve the December 19, 2006 minutes as submitted and Mr. Siegel seconded the motion.

Four voted "Aye".  
Messrs. Adams, Aveni, Brotzman, Franz and Klco  
abstained.

**FINANCIAL REPORT**

Mr. Siegel moved to approve the December, 2006 Financial Report as submitted. Ms. Hausch seconded the motion.

All voted "Aye".

**ELECTION OF OFFICERS**

Mr. Siegel, Chairman of the Nomination Committee consisting of Mr. Zondag, Ms. Hausch and himself, stated they recommend reinstating the current officers of the Lake County Planning Commission for the 2007 year. The officers were Mr. Brotzman, Chair; Mr. Siegel, Vice-Chair and Mr. Webster, Secretary. No further nominations were made from the floor.

Mr. Aveni moved to follow the recommendation of the Nomination Committee and Mr. Zondag seconded the motion.

All voted "Aye".

**PUBLIC COMMENT**

There was no public comment.

## MEETING DATES AND TIMES

The tentative 2007 meeting dates and times schedule needed to be changed because the January meeting had been cancelled and rescheduled to this date. The February 5 date for the subdivision submission deadline should be changed to February 12.

Mr. Zondag moved to accept the 2007 meeting dates and times schedule to include the change of the February subdivision submission deadline to February 12. Mr. Adams seconded the motion.

All voted "Aye".

## LEGAL REPORT

Mr. Michael DeLeone, Assistant Prosecutor, stated there was no legal report.

## DIRECTOR'S REPORT

Mr. Webster reported that the office was proceeding with the comprehensive plans for North Perry Village, Madison Township and Madison Village. He announced the following meetings:

- *Legal Issues Involving Local Government* in Cleveland, Ohio on March 16, 2007 by the National Business Institute.
- *Current Issues in Storm Water Regulation in Ohio* in Cleveland, Ohio on March 28, 2007 by the Lorman Education Services.
- A meeting at Levin College dealing with the transportation element will be attended by at least one staff member.
- In Columbus, there will be three-day, statewide Ohio Planning Conference/ American Planning Association conference held in September that at least two staff members would like to attend.

## SUBDIVISION REVIEW

Mr. Radachy announced that there were no subdivisions this month.

### Subdivision Activity Report

The Villa Grande Estate in Painesville Township, with a private road along Lake Road, was recorded at the end of December with 19 lots.

The Re-subdivision of Quail Hollow No. 5 dividing six lots into 12 was also recorded in the middle of December, 2006.

Brookfield III in Concord Township off Button Road went into maintenance and must wait three years until its ownership transfers to the Township.

Mr. Radachy also announced that the staff held two sets of scheduled pre-application conferences. The first one was January 3 and the second was January 31. There were three

subdivisions that had come in with sketch plans. The developers and engineers appeared to get a lot of useful information from the agencies at these pre-application meetings and; hopefully, these meetings will cut back on the amount of stipulations when a preliminary comes before this body. Notes were taken at these meetings if anyone wished to see them.

Mr. Radachy mentioned that Quail Hollow No. 10 and No. 11 in Concord Township submitted their preliminary plans in February, 2004. Their three-year expiration is near. They were both informed by letter of this situation. Land Design for Quail Hollow No. 10 has already submitted their request asking for an extension to be placed on the February 27<sup>th</sup> Planning Commission agenda. He was expecting to hear from the developer of Quail Hollow No. 11 to do the same.

This is the first time staff had received an extension request since this body created the time limit for plan implementation. The extension would take away the requirement of resubmitting an application fee. The Planning Commission will need to consider setting a time limit for an extension.

Some discussion ensued concerning the length of extensions to be considered. The staff thought one year may be long enough in this first case because their wetland delineation was close to being completed by the Army Corps of Engineers, which was the primary reason for the developer initiating their extension request.

Mr. Adams felt a standard extension time should not be set and that each case should be looked at individually until there were more occurrences on which to base a decision.

## LAND USE AND ZONING REVIEW

### Leroy Township-Proposed District Amendment – R-1, Residential to B-1, Business

Mr. Radachy said there was one district change requested on permanent parcel number 07A005A000320 from R-1, Residential, to B-1, Business, in Leroy Township on 6.5 acres of land. This parcel has frontage on Leroy Center Road and Painesville Warren Road (SR 86). He explained that Leroy Township has a short-term goal of commercial and retail districts that will be attractive, inviting, convenient, and respectful of the rural character of the Township. They also want to establish a commercial district oriented in a cluster at the I-90/Vrooman Road exit along with a long-term goal of development in the Five Points area forming a traditional rural town center based on traditional neighborhood design principles.

Staff continued saying the County Planning Commission has recommended approval on this parcel in the past. The paperwork was lost and they are now asking for re-approval. The adjacent 1.44 acre is zoned B-1 and has the same owners. Leroy Township does not have sanitary sewers. It would be easier to develop commercial land if it were a larger parcel. This parcel conforms to the Leroy Township Comprehensive Plan.

The Land Use and Zoning Committee recommended approval of this district change.

Mr. Morse moved to recommend accepting the Land Use and Zoning Committee

recommendation to change this property from R-1 to B-1 in Leroy Township and Mr. Siegel seconded the motion.

All voted "Aye".

## REPORT OF SPECIAL COMMITTEES

### Lake County Coastal Plan Committee

Mr. Webster informed the Commission members of the following items from the January 24, 2007 meeting of the Lake County Coastal Plan Committee:

- New member: Ellen Foley Kessler, Lake Metroparks Board
- Set up meeting with new ODNR director and new legislators.
- The video (2<sup>nd</sup> draft) for the Coastal Development Plan being made by the Lakeland Community College Audio Visual Dept. should be completed this week. This will provide an educational picture of the unique asset. They hope to collaborate with local cable operators to show it on public access channels.
- An invitation to area high school principals has been sent. They are hoping to reach the youth in the community to get their input on what they want on the lakefront and possibly some artwork representing these ideas for future marketing of the plan.
- The Committee offered to meet with local port authorities to discuss:
  1. Short-term needs: financial and infrastructure.
  2. Pending projects for the 2007 season.
  3. Long-term management plan: What is their ultimate goal?Eastlake and Fairport Harbor attendees thought this was a great idea and would be willing to participate.
- A private barrier island project was installed east of Township Park in Madison and all seemed impressed at how well this project is working. While more expensive up front, the landowners are extremely pleased with the protection and beach creation.

## CORRESPONDENCE

There was no correspondence.

## OLD BUSINESS

### Subdivision Regulations Public Hearing

A new date would need to be set for the Subdivision Regulations changes because of the cancellation of the January 30, 2007 meeting.

Staff had met with Professional Land Surveyors of Ohio and Lake, Geauga, Ashtabula Chapter and they made some recommendations on the language used in the changes.

- Article I, Section 4 – Originally, the requirement was made to set permanent monuments for subplot corner and center line monuments before the plat is recorded. This language has been changed to take into consideration that the corner alignment shall be done before a subdivision goes into maintenance as opposed to being recorded. We are also requiring the engineer/surveyor to show a line item in the construction estimate showing how much it cost to pin the corners and center line so, if a surveyor walks away, etc., the County Engineer has money available to hire another surveyor to set the monumentation of the subdivision.

- Article II – The two new definitions for personal recreation and agriculture that need to be set for lot splits.
- Article III, Section 10 – Lot Splits – Instead of allowing for a lot split by deed and legal description in a major platted subdivision, they would have to re-subdivide and do another plat. The plat would not require the necessity of sureties unless there was some type of improvement also being done. The County Commissioners' signatures would not be required unless there was something being given to them.

ORC 711.24 has been interpreted by some of the surrounding counties and counties throughout the State as indicating that lot splitting in any platted subdivision cannot be done. Based on this and what other counties have been doing along with a thorough check by the Prosecutor's office, it has been determined that we should prohibit lot splits in currently platted subdivisions in order to comply with ORC 711.24. This would require a re-plat of any sublots that are being re-divided within an existing plat. Staff has developed regulations to make this process as easy as possible. This will be done for all subdivisions without exception because it is needed to make sure they meet the drainage plans that were required with the original submission.

It was the consensus that the Prosecutor's office should review the new language before setting another public hearing date. In a prior discussion with their office, the staff was told that these changes needed to be set by May because of changes in SB115, which changes the 5 to 20 acre lot split rules.

Mr. Siegel moved to set a public hearing for the submitted Lake County Subdivision Regulations changes on March 27, 2007 at 6:30 p.m. and Mr. Adams seconded the motion.

It was the consensus of the Commission that, if the Prosecutor recommends changes be made through their review, the staff should go ahead and make them and then advise the members of the changes.

All voted "Aye".

## NEW BUSINESS

### 2007 Budget

Mr. Webster stated the 2007 budget had been received for the Planning Commission. The Commissioners had cut back in some areas that would keep the staff from being able to do some things as follows:

- Severe cutbacks were made in the software line item. ERSI software maintenance fees have been taken from this line item in the past, which includes upgrading. Not continuing this upgrading could result in charges of three or four times that amount in the future in order to obtain new software.
- Other expenditures/expenses – This is where professional dues are paid for memberships that the staff belong to such as the APA and AICP. \$500.00 would only cover one of these membership dues. These certifications help us in terms of our creditability in the planning field. It aids the County in our ability to do plans and adds credence to them because we would be adhering to higher standards of ethics and working quality. These

certifications aid us in bidding for certain jobs and grants.

Mr. Webster stated there will be a budget hearing on February 26, 2007, where he will try to have at least two or three of these items increased in order to keep the basic services we already have and to maintain our professional standings.

Mr. Webster thought it appeared as if the Commissioners may be leaning towards charging the townships for some of the Department's services in the future due to a new change in the O.R.C., but did not know exactly what could or could not be done. In the past, they have only been able to charge a minimal reproducible charge, not to include services rendered. Mr. DeLeone made a statement that only \$.08 per photocopy can be charged under O.R.C. 149.43. The time it takes to make the copies is not chargeable.

Mr. Webster also stated there were two printers that were going bad and are requiring large repairs; one is a color printer. He talked about possibly getting a color copier in-house.

#### Ohio Planning Conference - Lake, Geauga, Ashtabula and Trumbull Counties

Mr. Radachy stated that these counties are planning a Planning and Zoning Workshop on June 1, 2007, in the Geneva Lodge from 9:00 a.m. to 3:00 p.m. at \$40/person and includes lunch. Last year, Lake County sponsored this workshop and received great reviews on it. Trumbull County has asked to be included this year. Mr. Radachy is on the Planning Committee for the workshop.

#### **PUBLIC COMMENT**

There was no public comment.

#### **ADJOURNMENT**

Mr. Adams thanked everyone for their condolences last December when he lost his mother. His family really appreciated these.

Mr. Brotzman welcomed Mr. Morse to the Commission. Mr. Fitzmaurice has been appointed as Mr. Brotzman's alternate.

Mr. Webster said the Lake County Development Council will hold its 12<sup>th</sup> Annual Legislative Breakfast on Monday, February 26, 2007 from 7:30 a.m. to 9:30 a.m. at the Holiday Inn Express Hotel & Suites, LaMalfa on Heisley Road in Mentor. The cost will be \$17.00 per person and includes a buffet breakfast.

Mr. Franz thought Mr. Schaedlich would appreciate calls or cards from any of the members because he has been bouncing in and out of the hospital lately and seems a bit down.

Mr. Siegel moved to adjourn the meeting at 8:10 p.m. and Mr. Zondag seconded the motion.

All voted "Aye".

